

# 9 FAM 40.51 Exhibit III Application for Alien Employment Certification

U. S. DEPARTMENT OF LABOR  
Employment and Training Administration

OMB Approval No. 44-R1301

APPLICATION  
FOR  
ALIEN EMPLOYMENT CERTIFICATION

**IMPORTANT: READ CAREFULLY BEFORE COMPLETING THIS FORM.**

PRINT legibly in ink or use a typewriter. If you need space to answer questions on this form, use a separate sheet. Identify each answer with the number of the corresponding question. SIGN AND DATE each sheet in original signature.

To knowingly furnish any false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by \$10,000 fine or 5 years in the penitentiary, or both (18 U.S.C. 1001).

**PART A. OFFER OF EMPLOYMENT**

1. Name of Alien (Family name in capital letter, First, Middle, Maiden)					
2. Present Address of Alien (Number, Street, City and Town, State ZIP Code or Province, Country)				3. Type of Visa (If in U.S.)	
THE FOLLOWING INFORMATION IS SUBMITTED AS EVIDENCE OF AN OFFER OF EMPLOYMENT.					
4. Name of Employer (Full name of organization)				5. Telephone (Area Code and Number)	
6. Address (Number, Street, City or Town, Country, State, ZIP Code)					
7. Address Where Alien Will Work (If different from item 6)					
8. Nature of Employer's Business Activity		9. Name of Job Title		10. Total Hours Per Week a. Basis      b. Overtime	
				11. Work Schedule (Hourly) a.m.      p.m.	
				12. Rate of Pay a. Basic \$ b. Overtime \$ per hour	
13. Describe fully the job to be performed (Duties)					
14. State in detail the MINIMUM education, training, and experience for a worker to perform satisfactorily the job duties described in item 13 above.					
EDUCATION (Enter number of years)		Grade School	High School	College	College Degree Required (Specify)
					Major Field of Study
TRAINING		No. Yrs.	No. Mos.	Type of Training	
EXPERIENCE		Job Offered	Related Occupation	Related Occupation (specify)	
		Yrs   Mos	Yrs   Mos		
16. Occupational Title of Person Who Will Be Alien's Immediate Supervisor → →				17. Number of Employees Alien Will Supervise →	
← Endorsements (Make no entry in section for government use only.)					
Date Forms Received					
L.O. : S.O.					
R.O. : N.O.					
Ind. Code : Occ. Code					
Occ. Title					

Replaces MA 7-50A, B and C (Apr. 1970 edition) which is obsolete

ETA 750 (Oct. 1979)

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18. Complete items only if job is temporary				19. If job is unionized (Complete)					
a. No. of Openings to be Filled By Aliens Under Job Offer		b. Exact Dates You Expect To Employ Alien From _____ To _____		a. Number of Local		b. Name of Local			
						c. City and State			
20. Statement for Live-At-Work Job Offers (Complete for Private Household Job ONLY)									
a. Description of Residence				b. No. Persons Residing at Place of Employment					
("X" one) <input type="checkbox"/> House <input type="checkbox"/> Apartment		Number of Rooms		Adults		Children			
				Boys		Ages			
				Girls					
						c. Will free board and private room not shared with any one be provided? ("X" one) <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. Describe efforts to recruit U.S. workers and the results. (Specify Sources of Recruitment by Name)									
22. Applicants require various types of documentation. Please read PART II of the instructions to assure that appropriate supporting documentation is included with your application.									
23. EMPLOYER CERTIFICATIONS									
<p style="text-align: center;"><i>By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment.</i></p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>a. I have enough funds available to pay the wage or salary offered the alien.</p> <p>b. The wage offered equals or exceeds the prevailing wage and I guarantee that, if a labor certification is granted, the wage paid to the alien when the alien begins work will equal or exceed the prevailing wage which is applicable at the time the alien begins work.</p> <p>c. The wage offered is not based on commission, bonuses, or other incentives, unless I guarantee a wage paid on a weekly, bi-weekly or monthly basis.</p> <p>d. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>e. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.</p> <p>f. The job opportunity is not:</p> <p style="margin-left: 20px;">(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.</p> <p style="margin-left: 20px;">(2) At issue in a labor dispute involving a work stoppage.</p> <p>g. The job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.</p> <p>h. The job opportunity has been and is clearly open to any qualified U.S. worker.</p> </td> </tr> </table>								<p>a. I have enough funds available to pay the wage or salary offered the alien.</p> <p>b. The wage offered equals or exceeds the prevailing wage and I guarantee that, if a labor certification is granted, the wage paid to the alien when the alien begins work will equal or exceed the prevailing wage which is applicable at the time the alien begins work.</p> <p>c. The wage offered is not based on commission, bonuses, or other incentives, unless I guarantee a wage paid on a weekly, bi-weekly or monthly basis.</p> <p>d. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.</p>	<p>e. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.</p> <p>f. The job opportunity is not:</p> <p style="margin-left: 20px;">(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.</p> <p style="margin-left: 20px;">(2) At issue in a labor dispute involving a work stoppage.</p> <p>g. The job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.</p> <p>h. The job opportunity has been and is clearly open to any qualified U.S. worker.</p>
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24. DECLARATIONS									
<p>DECLARATION OF EMPLOYER → Pursuant to 28 U.S.C. 1746 I declare under penalty of perjury the foregoing is true and correct.</p>									
Signature						Date			
Name (Type or print)				Title					
<p>Authorization of Agent of Employer → I HEREBY DESIGNATE the agent below to represent me for the purposes of labor certification and I TAKE FULL RESPONSIBILITY for accuracy of any representations made by my agent.</p>									
Signature of Employer						Date			
Name of Agent (Type or Print)				Address of Agent (Number, Street, City, State, ZIP Code)					

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## ITEMIZED INSTRUCTIONS FOR COMPLETING FORM ETA 750

### PART A. OFFER OF EMPLOYMENT (To be completed by Employer)

**ITEM 1. NAME OF ALIEN.** Enter full name exactly as it appears on Part B, "Statement of Qualifications of Alien."

**ITEM 2. PRESENT ADDRESS OF ALIEN.** Enter whether in the United States or abroad.

**ITEM 3. TYPE OF VISA.** If the alien is in the United States, enter the type of visa held, i.e., B-2 (visitor), F-1 (Student), or current status as shown on INS Form I-94.

**ITEM 4. NAME OF EMPLOYER.** Enter full name of business, firm, or organization, or if an individual, enter name used for legal purposes on documents.

**ITEM 5. TELEPHONE NUMBER.** In job offers for private households, enter a business and home telephone number where all adults are employed.

**ITEM 6. ADDRESS OF EMPLOYER.** Self-explanatory.

**ITEM 7. ADDRESS WHERE ALIEN WILL WORK.** Enter the full address of site or location where the work will actually be performed, if different from the address in Item 6.

**ITEM 8. NATURE OF EMPLOYER'S BUSINESS.** Enter a brief, non-technical description, i.e., retail store, household, university, financial institution.

**ITEM 9. NAME OF JOB TITLE.** Enter the common name or payroll title of the job being offered.

**ITEM 10. TOTAL HOURS PER WEEK.** Enter the basic hours of work required per week and overtime hours per week in accordance with State or Federal law for the work and locality.

**ITEM 11. WORK SCHEDULE.** Show the daily work schedule for the job, i.e., 9 a.m. to 5 p.m., 7 a.m. to 11 a.m. and 4 p.m. to 8 p.m.

**ITEM 12. RATE OF PAY.** Enter a guaranteed wage and the unit of pay, such as \$5.00 per hour, \$850 per month, or \$12,000 per year. Wage offered cannot be based on commission, bonuses, or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly, or monthly basis.

**ITEM 13. JOB DUTIES.** Describe the job duties, in detail, that would be performed by any worker filling the job. Specify equipment used and pertinent working conditions.

**ITEM 14. MINIMUM EDUCATION, TRAINING, AND EXPERIENCE REQUIRED TO PERFORM THE JOB DUTIES.** Do not duplicate the time requirements. For example, time required in training should not also be listed in education or experience. Indicate whether months or years are required. Do not include restrictive requirements which are not actual business necessities for performance of the job and which would limit consideration of otherwise qualified U.S. workers.

**ITEM 15. OTHER SPECIAL REQUIREMENTS.** Enter the job related requirements. Examples are short-hand and typing speeds, specific foreign language proficiency, test results. Document business necessity for a foreign language requirement.

**ITEM 16. OCCUPATIONAL TITLE OF PERSON WHO WILL SUPERVISE ALIEN.** Self-explanatory.

**ITEM 17. NUMBER OF EMPLOYEES ALIEN WILL SUPERVISE.** Self-explanatory.

**ITEM 18. COMPLETE ONLY IF JOB IS TEMPORARY.** Does not apply for offers of permanent employment.

**ITEM 19. IF THE JOB IS UNIONIZED.** Enter the number of the local, the name of the union, and the City and State in which the local has its main office.

**ITEM 20. STATEMENT OF LIVE-AT-WORK JOB OFFERS IN PRIVATE HOUSEHOLDS.** (Do not complete for other job offers.)

**ITEM 20(a). DESCRIPTION OF RESIDENCE.** Self-explanatory.

**ITEM 20(b). NUMBER OF PERSONS RESIDING AT PLACE OF EMPLOYMENT.** Enter the number of adults, children under 18 years old, their sex and specific ages of children.

**ITEM 21. RECRUITMENT EFFORTS.** Describe in detail efforts to recruit U.S. workers for the job opportunity and the results. List sources of recruitment by name, i.e., Lane Technical School, the Daily Tribune Newspaper, Scientific Journal of America. Specify the number of applicants interviewed from each source and the lawful job-related reasons why they were not hired.

**ITEM 22. READ THE GENERAL INSTRUCTIONS FOR ADDITIONAL SUPPORTING DOCUMENTATION WHICH MUST BE SUBMITTED, IN SEPARATE ATTACHMENTS, ALONG WITH THIS APPLICATION.** General instructions will provide information that may be required. Documentation for Schedule A may be found in Part II. Department of Labor regulations require that an employer submit documentation to clearly show that the job offer and the recruitment of U.S. workers are in compliance with regulations. In addition, special documentation is required for certain occupational groups.

**ITEM 23. EMPLOYER CERTIFICATION.** Read carefully. The employer certifies to these eight (8) conditions of employment by signing the form.

**ITEM 24. EMPLOYER DECLARATION.** All copies of this form must bear the original signature of the employer or the employer's duly authorized representative with hiring authority. False statements are subject to Federal perjury and fraud penalties. The authorization of agent is completed only when the employer designates an agent to represent the employer in applying for labor certification. It is recommended that the employer not sign a blank form, since the employer takes full responsibility for any representations of its agents.

